

LUC-574/Hagirahim 9-1

REMARKS

Claims 1-3, 5-9, 11-16, and 18-23 are pending in the application.

Rejection Under 35 U.S.C. § 102(e)

Claims 1-3, 5-9, 11-16, and 18-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,363,065 B1 issued to Thornton et al. on March 26, 2002.

Applicants respectfully traverse this ground of rejection for the following reasons.

First, applicants' claim 1 recites,

A method of determining a current bandwidth allocation of packetized communications traffic of a router in a network, ...,

obtaining a current connection status, call reference value (Call_Ref value), and bandwidth utilization for each of said endpoints based on a response to said querying, ...,

when bandwidth is not available for said service, dropping packets of any new call received by said router and informing said endpoints to disconnect said new call.

In effect, the router first obtains current connection status, call reference value, and bandwidth utilization for each of the endpoints, and when bandwidth is not available the router drops the packets of a new call and initiates a disconnect message to the endpoints.

Thornton does not teach these limitations. Instead, Thornton teaches that a gatekeeper may reject calls from a telephony endpoint due to bandwidth limitations. (See column 18, line 67 to column 19, lines 1-4.) When bandwidth limitations are exceeded the gatekeeper, in effect, refuses to make any more connections. However, Thornton's gatekeeper is not a router. As known by those skilled in the art, a router, as used in applicants' claim 1, is connected to at least two networks and decides which way to send each information packet based on its current understanding of the state of the networks to which it is connected. By contrast, Thornton's gatekeeper is a zone management device

LUC-574/Hagirahim 9-1

that 1) provides address translation, 2) controls access to a network for endpoints and other gateways and 3) controls bandwidth, as stated in column 18, lines 18-38. Furthermore, Thornton discloses a border element for inter-domain communications that the Office Action asserts is equivalent to a router, i.e., FIG. 4A, elements 430 and 450. Therefore, Thornton's gatekeeper is not a router as recited in applicants' claim 1.

Second, in contradistinction to applicants' independent claim 1, the gatekeeper does not inform the endpoints to disconnect the call after rejecting a call due to bandwidth limitations. Therefore, Thornton is missing the element of a router 1) dropping packets of any new call received by the router and 2) informing the endpoints to disconnect the new call, as required by applicants' independent claim 1.

Third, applicants' claim 1 recites, "when bandwidth is not available for said service, dropping packets of any new call received by the router". By contrast, Thornton's gatekeeper rejects calls during an active call whenever an endpoint requests additional network bandwidth, as stated in column 19, lines 1-6. In effect, Thornton appears to drop ongoing calls, rather than new calls as recited by applicants' claim 1.

Fourth, Thornton does not disclose obtaining the call reference value of an endpoint. In fact, Thornton makes no mention of the call reference value.

Thus, the clear teaching of Thornton is that a router does not obtain a call reference value of an endpoint, and when bandwidth is not available for a service, a router does not drop packets of any new call received by the router and a router does not inform the endpoints to disconnect the new call.

In view of the foregoing, applicants submit that Thornton does not describe each and every element of claim 1, and therefore claim 1 is not anticipated by Thornton. Since claims 2-3 and 5-8 depend from allowable claim 1, these claims are also allowable over Thornton.

Independent claims 9 and 16 each have a limitation similar to that of independent claim 1, which was shown is not taught by Thornton. For example, claim 9 recites, "when bandwidth is not available for said service, dropping

LUC-574/Hagirahim 9-1

packets of any new call received by said routers and informing said endpoints to disconnect said new call" and claim 16 recites, "when bandwidth is not available for said service, said routers are operable to drop packets of any new call and inform said endpoints to disconnect said new call". Thornton does not teach these limitations for the above-mentioned reasons. Therefore, claims 9 and 16 are likewise allowable over Thornton. Since claims 11-15 depend from claim 9, and claims 18-23 depend from claim 16, these dependent claims are also allowable over Thornton.


LUC-574/Haglrahim 9-1

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicants' attorney so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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